

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2836 - SB 3566

March 14, 2012

SUMMARY OF BILL: Requires any sentence imposed for the offenses of identity theft and identity theft trafficking to be served consecutively to the sentence imposed for any other offense committed as a result of the identity theft.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$7,471,400/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 77 admissions for the Class D felony offense of identity theft, 1 admission for the Class C felony offense of identity theft trafficking, and 2 admissions for the Class E felony offense of identity theft attempt in each of the past 10 years. According to DOC, of the identity theft convictions, offenders are serving concurrent sentences related to the identity theft convictions. Of those concurrent sentences that are assumed to be related to identity theft, the 10-year average is 128 Class E felonies, 69 Class D felonies, 12 Class C felonies, and 1 Class B felony. These sentences will be served consecutively rather than concurrently.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days); 1.86 years (679.37 days) at a cost of \$41,686.14 (\$61.36 x 679.37 days) for a Class D felony; 2.98 years (1,088.45 days) at a cost of \$66,787.29 (\$61.36 x 1,088.45 days) for a Class C felony; and 5.43 years (1,983.31 days) at a cost of \$121,695.90 (\$61.36 x 1,983.31 days) for a Class B felony.
- The additional operating cost for 128 Class E offenders is \$3,671,939.84 (\$28,687.03 x 128 offenders); for 69 Class D offenders is \$2,876,343.66 (\$41,686.14 x 69 offenders); for 12 Class C offenders is \$801,447.48 (\$66,787.29 x 12 offenders); and for 1 Class B offender is \$121,695.90.
- The total additional operating cost is \$7,471,426.88 (\$3,671,939.84 + \$2,876,343.66 + \$801,447.48 + \$121,695.90).
- Any increase in caseloads for state trial and appellate courts, the District Attorneys General Conference, and the District Public Defenders Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/lsc